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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/755,800 01/05/01 LEEDS

H 8127-3

004678 PM82/0613  
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EXAMINER

RESTIEO, J

ART UNIT

PAPER NUMBER

3619  
DATE MAILED:

06/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/755,800

Applicant(s)

LEEDS ET AL.

Examiner

Jeffrey J. Restifo

Art Unit

3619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, the recitation of the limitation "a height greater than one-half the height of said folding tables" is indefinite because tables can be different heights and the table is an intended load of the cart and is not positively claimed.

In claim 2, line 2, the limitation "said bad has a length less than the distance between said folding legs so that the cart may be pushed beneath the table" is indefinite because the table is an intended load and is not positively recited.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hersberger(5,037,117).

Hershberger discloses a cart 10 for supporting folded tables 14, said cart having a base frame 16 having an upper table receiving bed 18 with a plurality guide notches

26 defining a plurality of table edge holding notches, a steep sloped, tipped table support 42, and a handle 62, as shown in figure 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hershberger(5,037,117) as applied to claims 1-2 above, and further in view of Pinto et al.(5,899,469).

With respect to claims 3, 7, and 9, Hershberger discloses all the limitations recited in these claims except for the base frame as being a box frame with opposed side and end members. Pinto does disclose a cart comprising a box frame 22 having opposed side and end members 1a, 1b, as shown in figure 1. It would have been obvious to one having ordinary skill in the art at the same time the invention was made to have given the cart, as taught by Hershberger, a box frame, as taught by Pinto et al., in order to raise the height of the cart and reduce the distance a user must bend over to load the cart.

With respect to claims 4-6, it would be obvious to alter the exact dimensions of the cart in order to accommodate tables of different shapes and sizes and therefore It would have been obvious to one having ordinary skill in the art at the same time the

invention was made to have adjusted the dimensions of the cart, as taught by Hershberger and modified by Pinto et al., in order to accommodate tables of different shapes and sizes.

With respect to claim 8, the spaced arms of Hershberger appear to be approximately 80 degrees from the horizontal plane.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hershberger as applied to claim 1 above, and further in view of Wood(2,947,565).

Hershberger does not disclose a support surface comprised of a plurality of slats forming a plurality of table edge holding channels. Wood does disclose a cart 10 comprising a support surface having a plurality of slats 14 forming a plurality of table edge holding channels 25, as shown in figure 1. It would have been obvious to one having ordinary skill in the art at the same time the invention was made to have given the cart, as taught by Hershberger, the support surface, as taught by Wood, in order to distribute the load across the entire width of the cart.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (703) 305-0579. The examiner can normally be reached on M-F (9:00-5:00), alternate Friday off.

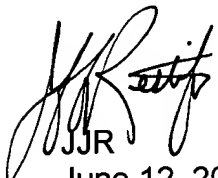
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
JJR  
June 12, 2001

Jeffrey J. Restifo  
Examiner  
Art Unit 3619

  
LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600